

REMARKS

This communication is responsive to the Office action dated July 27, 2004. Claims 1-39 are pending in the application. In the Office action, the Examiner restricted the above-identified patent application, requesting election of a single group of claims and a single species of invention for prosecution under 35 U.S.C. § 121. In response, applicants hereby elect, without traverse, **Invention I** (claims 1-24 and 39) and **Species A** (Figures 1-6) for prosecution in this application.

I. Restriction Requirement

The Examiner stated that the pending claims are directed to two distinct inventions, requesting election of one of the following two inventions for prosecution:

Invention I: Claims 1-24 and 39, drawn to a bone plate.

Invention II: Claims 32-42, drawn to a method of inserting.

In response, applicants hereby elect, without traverse, **Invention I** (claims 1-24 and 39) for prosecution in this application. Applicants have canceled the remaining, nonelected claims, 32-42, without prejudice, reserving their right to pursue these claims, with or without amendment, in the future.

II. Election Requirement

The Examiner further stated that the pending claims are directed to patentably distinct species of the claimed invention, requesting election of one of the following seven species for prosecution:

Species A: Figures 1-6.

Species B: Figures 7 and 8.

Species C: Figure 9.

Species D: Figure 10.

Species E: Figures 11-14.

Species F: Figures 15 and 16.

Species H: Figures 17-19.

In response, applicants elect **Species A** (Figures 1-6) for prosecution in this application.

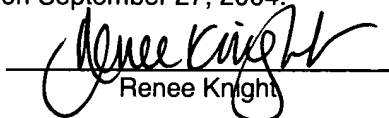
Applicants traverse the Examiner's assertion that "no claims appear generic." In particular, applicants believe that at least a majority of the claims (including all of the independent claims) are generic, in that they read on all of the "species" identified by the Examiner.

The Examiner further indicated that applicants should provide a listing of all claims readable on the elected species. In response, applicants believe that claims 1, 3-9, 13-18, 20-24, and 39, at least, read on Species A.

Applicants believe that this communication is fully responsive to the Office action. However, if there are any remaining matters, the Examiner is encouraged to call the undersigned attorney at (503) 224-6655.

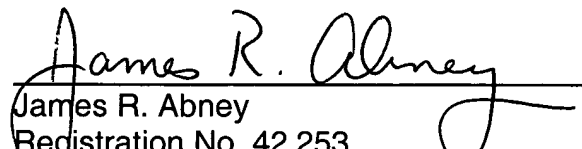
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 27, 2004.


Renee Knight

Respectfully submitted,

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